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Practitioner's Docket No.: 4007-8007 CPA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Dwayne LACEY

Ser. No.: 09/335,714

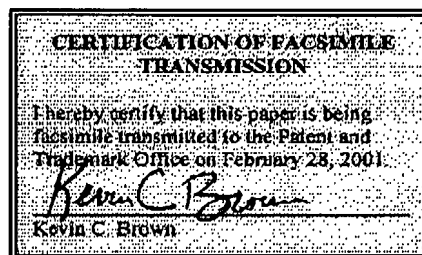
Art Unit: 3764

Filed: June 18, 1999

Examiner: Yu, J.

For: HEAD MASSAGING DEVICE

Assistant Commissioner For Patents
Box CPA
Washington, D.C. 20231



CONTINUED PROSECUTION APPLICATION (CPA)
(37 C.F.R. § 1.53(d))

1. This is a request for the filing of a ☒ Continuation
[] Divisional

continued prosecution application under 37 C.F.R. § 1.53(d) of the above-identified prior nonprovisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings, and oath or declaration from the prior application, to constitute this new application, and that the application number of the above-identified prior application be assigned for identification purposes.

It is also requested that the above-identified application be expressly abandoned as of the filing date accorded this continued prosecution application.

2. With respect to the above-identified nonprovisional application, this continued prosecution application is being filed:

A. ☒ before the earliest of the:

[] termination of the proceedings on the prior application

[] payment of the issue fee thereon

☒ abandonment of the prior application

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01 FC:231 355.00 CH

02 FC:202 40.00 CH

03 FC:203 144.00 CH

- B. ☐ after the payment of the issue fee - but a petition under § 1.313(b)(5) has been granted in the prior application.
- C. The term for response or taking action in the prior application expires on February 28, 2001.
- ☒ An extension of time in the prior application:
☒ is being filed concurrently in the prior application
☐ has been filed on _____.

3. It is noted that:
- This application discloses and claims only subject matter disclosed in the prior application.
 - Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122, to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning, either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.
 - Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request. No amendment in this application may delete this specific reference to any prior application.
4. This continued prosecution application names as inventors:
- ☒ the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d) is being filed.

☐ inventors fewer than all the inventors named in the prior application.

☐ Please delete the following name(s) as inventor(s):

☐ Please add the following name(s) as inventors:

☐ A petition under § 1.48 is attached.
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5. ☐ Please enter the unentered Amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application.

6. ☒ A Preliminary Amendment to the prior application as it existed prior to the filing of this continuation prosecution application is enclosed.

7. ☐ A Request for Personal Interview Prior to First Action is enclosed.

8. Information Disclosure Statement

☐ Enclosed is an Information Disclosure Statement in accordance with the requirements of 37 C.F.R. Section 1.98.

9. Small Entity Statement(s)

☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is (are) attached.

☒ Status as a small entity was claimed in prior application 09/335,714, filed on June 18, 1999, from which benefit is being claimed for this application under:
35 U.S.C. § ☐ 119(e),
☒ 120,
☐ 121,
☐ 365(c),

and which status as a small entity is still proper and desired.

☒ A copy of the statement in the prior application is included.

10. Fee Calculation

A. <input checked="" type="checkbox"/> Regular Application (37 C.F.R. 1.16(a) --\$710.00; Small Entity--\$355.00)	\$ <u>355.00</u>
Fees for Claims (35 Claims; 4 Indep.)	
<input checked="" type="checkbox"/> each independent claim in excess of 3 (37 C.F.R. 1.16(b) --\$80.00; small entity--\$40.00)	\$ <u>40.00</u>
<input checked="" type="checkbox"/> each claim in excess of 20 (37 C.F.R. 1.16(c) --\$18.00; small entity--\$9.00)	\$ <u>135.00</u>
<input type="checkbox"/> multiple dependent claim(s) (37 C.F.R. 1.16(d) --\$270.00; small entity--\$135.00)	\$ <u>.00</u>

- ☐ Amendment canceling extra claims is enclosed.
- ☐ Amendment deleting multiple-dependencies is enclosed.
- ☐ Fee for extra claims is not being paid at this time.

B. ☐ Design Application \$.00
(37 C.F.R. 1.16(f) --\$320.00; Small Entity--\$160.00)

C. ☐ Plant Application \$.00
(37 C.F.R. 1.16(g) --\$490.00; Small Entity--\$245.00)

Filing Fee Calculation \$ 530.00

11. Method of Payment of Fees

- ☐ Enclosed is a check in the amount of \$.
- ☒ Please charge our Deposit Account No. 50-1446 in the amount of \$530.00. A duplicate of this request is attached.

12. Authorization to Charge Additional Fees or Credit Overpayment

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 CFR §§ 1.16(a), (f) or (g)
- ☒ Any additional fees required under 37 CFR §§ 1.16(b), (c) and (d) (presentation of extra claims)
- ☒ Any fees required under 37 CFR §§ 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))
- ☒ Any fees required under 37 CFR § 1.17 (application processing fees).

13. Change of Correspondence Address Since Filing of Parent Application*(complete the following if applicable)*

Since this filing is a [☒] continuation [☐] divisional there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

Respectfully submitted,
BURR & BROWN

February 28, 2001

Date

Kevin C. Brown

Kevin C. Brown
Reg. No. 32,402

KCB:ks

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